United Nations CAT/C/UKR/CO/6/Add.1

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
14 January 2016

English only

Committee against Torture

Concluding observations on the sixth periodic report of Ukraine

Addendum

Information received from Ukraine on follow-up to the concluding observations*

[Date received: 2 December 2015]

* The present document is being issued without formal editing.

GE.16-00455(E)

Please recycle

Annex to the letter of the Ministry of Justice from 26 November 2015 No. 12.2

Information on paragraphs 9, 10A, and 11A, as requested on the meeting on 18-19 November 2014, in accordance with paragraph 27 of the Concluding Remarks to the 6th Periodic Report of Ukraine on Implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

As to para. 9 of the Concluding Remarks

1. Employees of the Main Investigative Department and investigation departments of regional bodies in their official activities fully adhere to the provisions of the Constitution of Ukraine, according to the information provided by the Security Service of Ukraine (henceforth – SSU). The provisions at issue set forth rights of a person to freedom and personal inviolability (Art. 29), to medical aid (Art. 49), to legal assistance and protection from prosecution (Art. 59). The employees also follow the rules of the Criminal Procedure Code of Ukraine, as presently in force, establishing the procedure for detention of a person (chapter 18, paras. 1, 2 of the CPC of Ukraine).

2. Central Department of the SSU, with an aim to prevent violations of the effective legislation, coordinates and controls investigative agencies activities on pre-trial investigation in safeguarding the procedural rights of a detainee, including through immediate informing of a detainee about the ground for his detention and the crime he is suspected to have committed, clarifying him his rights to a public defender, to medical aid, to notification of the relatives, family members, or other persons he may choose of his whereabouts pursuant to Art. 213 ("Notification of other persons about the detention") of the CPC of Ukraine, etc.

3. As of 22 October 2015 the abovementioned violations by the SSU investigators are not allowed, including while carrying out their duties in the antiterrorist operation area.

4. The SSU, under the provisions of Art. 7 of the Law of Ukraine "On counterintelligence activity" maintains a special facility for temporary detention (temporary detention facility) of the Security Service of Ukraine (hereinafter – TDF SBU).

5. Order, regime and conditions of stay of detained and taken into custody in this facility are regulated by the Instruction on the regime of keeping persons in custody at the special temporary custody facilities (temporary detention facility) of the SSU.[1]

6. The order of detention and custody of persons in the TDF SBU is regulated by the principles of undeviating adherence to the Constitution of Ukraine, to provisions of the Universal Declaration of Human Rights, to other relevant international legal rules and standards of treatment of detainees and persons under custody. The detainment regime may not involve commission of any intended actions aimed at infliction of physical or moral suffering, or degrading of human dignity of the detainees.

7. In the TDF SSU available appropriate sanitary conditions, material equipment and medical treatment of detainees and of persons under custody and also guaranteed

[1] As enacted by the SSU Order No. 589 from 26July 2008 (registered in the Ministry of Justice of Ukraine on 22 October 2008, under No. 1013/15704).

observances of their rights, i.a., to meeting with defenders, to filing the complaints, applications and letters to state organs, NGOs, and officials, etc.

8. During the visits to Ukraine the delegations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Subcommittee on Prevention of Torture and other cruel, inhuman or degrading Treatment or Punishment, UN Committee against Torture in 2010 to 2014 and visiting the TDF SSU by them held a meetings with the suspect, who at the time had been held under custody.

9. On the results of the meetings and discussions with suspected persons, members of the delegations have identified no infringements of the conditions of custody, as well as of the right to a defender, to medical and sanitary equipment, the order of visits, receiving transmissions, facts of ill-treatment, intimidation or humiliation of suspects by administration or indignity not found. The administration haven't received any comments and recommendations.

10. In the TDF SSU every ten days by authorized prosecutors of the General Prosecutor Office of Ukraine carry out a verifications of compliance with the order and the conditions of detainees and persons held under custody. No violations of the legislation were revealed over the course of such verifications.

11. According to the information, provided by the State Border Guard Service of Ukraine, the Service in its activities adheres to the principle of full and comprehensive non-violation of human rights. A crucial point in this principle is ensuring of equal constitutional rights and freedoms, as well as equality of all before the law.

12. One of the guideline documents in this sphere is the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment from 10 December 1984.

13. As to the departmental regulatory acts, the Instruction on the Regime for Detainment of Persons in the Organs (Divisions) of the State Border Guard from 2015 is remarkable.

14. This act for the first time in a number of years repealed the obsolete "prison" approach to equipping the places of detention. The act ensures realisation order of rights of detainees to legal defence and medical aid, shelter, proper conditions of custody and other rights in this sphere on a level comparable to European standards.

15. The Instruction was prepared with full account being taken of the UN Convention's relevant provisions and approved by all relevant bodies responsible for protection of human rights. It was namely agreed with the Verkhovna Rada Commissioner for Human Rights, Office of the Governmental Agent before the ECHR, Ministry of Foreign Affairs, Ministry of Health, General Prosecutor Office, and State Migration Service. Draft Instruction was also discussed with the representation of UN OHCHR and the IOM in Ukraine.

16. A landmark among departmental regulatory acts is adopted in 2015 Instruction on the procedure for holding persons in organs (units) of the state border guarding.

17. By this document for the first time in many years, has been abolished outdated "prison" approaches to the provision of the places of detention. At the level of European standards provided the procedure for exercising the rights of detainees to legal protection and medical care, the acquisition of asylum, to ensure appropriate detention conditions and other rights in this area.

18. Instruction is worked out taking into account the provisions of the Convention and approved by all authorities involved in the field of observance of human rights. In particular, it agreed with the Verkhovna Rada Commissioner for Human Rights, a Government Commissioner of the European Court of Human Rights, Ministry of Foreign Affairs, Ministry of Health, the General Prosecutor's Office of Ukraine and the State

Migration Service. Draft Instruction was also discussed with the offices of UNHCR and IOM in Ukraine.

19. From persons detained by employees of the bodies of the State Border Service, was not received any complaints about the use forward them of torture and other cruel, inhuman or degrading treatment or punishment.

20. At all levels of governing by border authorities and bodies organized the fulfillment of continuous monitoring of the compliance with the law during the arrest and detention of persons.

21. On an ongoing basis realized the monitoring of observance of human rights by representatives of the Secretariat of the Verkhovna Rada Commissioner for Human Rights, prosecution agencies, UNHCR Regional Representation in Ukraine, International Organization for Migration in Ukraine, the Ukrainian Red Cross Society and other non-governmental charitable organizations. Only in 2015 conducted 381 such monitoring visits to places of temporary detention. On the results of the monitoring the facts of human rights violations have not been recorded.

22. The abovementioned list of guarantees of fundamental rights and freedoms observances is not exhaustive, as the measures the State Border Service carries out on their provision. Currently, continuous the process of bringing the departmental regulatory legal acts in compliance with European standards, including on improving the activities of employees of the Service for the prevention of torture.

23. According to information provided by the Prosecutor General's of Ukraine (hereinafter – PGU) issue of fundamental legal safeguards of persons providing during their detention in special institutions of internal affairs and the pre-trial detention agencies of the State criminal executive Service of Ukraine is one of the priorities of Public Prosecutions supervision and investigation activities.

24. PGU constantly processed information on violations of the rights of persons identified during the visits of the Verkhovna Rada of Ukraine Commissioner for Human Rights, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and decisions of the European Court of Human Rights. This information is systematized, analyzed and used in ongoing work.

25. As a result of the processing to prosecutors of the regional level sent a series of letters on strengthening the public prosecutor's supervision on the state of the real treatment with persons during their stay in the penitentiary establishments. A permanent work conducted on improvement of professional skills of prosecutors carrying out supervisory activities in this area.

26. Updated guidelines for carrying out prosecutor's supervision of the observance of laws in the detention centers of internal affairs agencies, pre-trial establishments of the State Penitentiary Service of Ukraine.

27. In order to improve conditions of detention, prevention of violations of their rights, bringing the detention regime into line with European standards of the PGU constantly are drafting regulations on these matters taking into account recommendations of the European Committee for the Prevention of Torture and Inhuman or degrading Treatment or Punishment and practice of the European Court for Human Rights. With interference of prosecutors generally aligned with European requirements and standards more than 50 regulations to protect the rights of prisoners.

28. During February-March 2015 prosecutor's organs with the involvement of health care bodies and sanitary-epidemiological station checked the observance of the constitutional rights of prisoners and detainees to medical and sanitary provision and

treatment. The results were discussed at a meeting of heads of the Prosecutor General of Ukraine, Ministry of Internal Affairs of Ukraine, Ministry of Health of Ukraine and the State Penitentiary Service of Ukraine on 27.05.2015.

29. To the process of verifying the status of compliance the constitutional rights of prisoners and convicts, material living conditions, health care provision, and implementation of security requirements involved members of the monitoring commissions, representatives of public and human rights organizations and independent experts of the territorial health care institutions. In the course of the audits are used the anonymous questioning of prisoners and provided them the opportunity to communicate with representatives of human rights organizations and prosecutors alone.

30. Taken by prosecutor organs of Ukraine organizational and practical measures to a certain extent contributed to the observance of constitutional rights of citizens, improving conditions in the detention centers of internal affairs bodies, pretrial establishments of the State criminal executive Service of Ukraine, in medical institutions of the Ministry of Health of Ukraine, the prevention of torture and other ill-treatment.

31. Permanent attention is paid to the rights of detainee's provision, including the communication on the grounds of detention, clarification of rights, providing an opportunity to notify on the fact of detention family members or relatives, to contact an advocate, notification of free legal aid centers.

32. Provided registration in the Unified Register of pre-trial investigations of complaints and notifications on crimes of this category.

33. During 9 months of 2015 to the Unified Register of pre-trial investigations filled forms for the 1,021 applications on criminal offenses concerning torture or inhuman or degrading treatment by law enforcement officials.

34. After the pre-trial investigation in connection with unconfirmed information of the use of violence 994 criminal proceedings are closed. The 24 indictments concerning 40 people directed to the court.

35. In most cases, ensured the objective preliminary investigation within reasonable terms.

36. Thus, the Kyiv region prosecutor's office completed pre-trial investigation in the criminal proceedings concerning 2 policemen, who was illegally detained citizen, took him to the territory of a slaughterhouse to check for involvement in the theft of meat. In order to force him to accept the blame police officers and the owner of the slaughterhouse torture victim.

37. The information filled in the Unified Register of pre-trial investigations in the day of the crime, and within a month the indictment sent to the court. At present, the trial continues.

38. By the verdict of the Manevytskyi district court of the Volyn region from 02.06.2015 10 employees of the Manevytska penal colony, including the head of the colony, found guilty of committing crimes under Part 2 of Art. 365, Part 1 of Art. 127 of the Criminal Code of Ukraine and sentenced to imprisonment for a term of 4 to 7 years. The mentioned persons with a view to retaliation for escaping from the penal institution after the detention of a person for a long time causing him bodily harm, forced to perform actions that are degrading, and then handcuffed to a metal lattice of the window with his hands wound back and left overnight. Because of injuries the victim died at the place.

39. According to information of the Ministry of Internal Affairs of Ukraine (hereinafter – MIA) reported that, in accordance with Articles 208, 212 and 213 of the CPC of Ukraine and the Procedure of informing the centers of free secondary legal aid on cases of detention

of persons approved by resolution of the Cabinet of Ministers of Ukraine on 27 November 2013 year No. 869, authorized official of the internal affairs body, who made the detention of a person detained shall immediately notify the grounds of detention, explains the right to legal counsel, accept medical assistance and inform relatives, family members or other persons at the choice of detained on his location, including the body (institution), authorized by law to provide free legal aid.

40. In order to ensure the rights and legitimate interests of citizens by the Main Investigation Department of the MIA it was elaborated methodical recommendations "Features of the right to defense provision in criminal proceedings" and "Participation of a lawyer in pre-trial proceedings," that is placed on the website of the MIA LAN, to which have access all investigative units of the Interior. On the same website contains information for heads of the Main department of the MIA, the regional office of the MIA, including contact centers of free secondary legal aid, materials of the roundtable on providing such assistance, procedure of informing these centers about cases of detention.

41. With the support of the OSCE Project Coordinator in Ukraine, by public organization "Kharkiv Institute for Social Research" each temporary holding facility provided by booklet "Rights of held in detention centers" and the corresponding stickers.

42. For employees of special institutions in the system of official preparation there are constantly training classes to study the European Prison Rules, the Law of Ukraine "On ratification of the Optional Protocol to the Convention against torture and other cruel, inhuman or degrading treatment or punishment", other regulatory and legal acts.

43. The observance of the rights and legitimate interests of contained in the temporary detention persons is under constant control of direction of the MIA.

44. According to information provided by the State Penitentiary Service of Ukraine (hereinafter – SPtS of Ukraine) is a supporter of improving existing and developing new, effective instruments for protecting the rights of citizens, who under the decision of the state are deprived of their liberty and situated in penitentiary establishments and pre-trial establishments.

45. SPtS of Ukraine take measures to initiatives focusing on public and private sectors in the field of strengthening safeguards of protection the rights of citizens in uniform standing processes that effectively influenced on improvement of the bodies and institutions belonging to the field of control of the SPtS Ukraine.

46. The work on the organization of prevention of torture and ill-treatment in penitentiary establishments is seen by direction of the SPtS of Ukraine as underlying theme in ensuring all needs of prisoners and detainees provided by the Criminal Executive Code of Ukraine, the Law of Ukraine "On pre-trial detention" and other normative legal acts.

47. In recent years, special attention was paid to improving the complaint mechanisms by potential victims of abuse and respond accordingly. SPtS of Ukraine came to the conclusion that this organizational and legal instrument must meet the absolute principles: independence and impartiality, efficiency, sufficient level of attraction the victim and openness to public scrutiny.

48. With this purpose the SPtS of Ukraine was active until December 2013 in realization of international projects on preventive mechanisms under the auspices of the Council of Europe.

49. In particular, under the joint program of EU and Council of Europe "Strengthening the fight against ill-treatment and impunity" (Council of Europe Action Plan for Ukraine 2011-2014) 13 December 2013 discussed the recommendations on the assessment of the

effectiveness of the filling of complaints on ill-treatment in the penitentiary system of Ukraine, provided by the Council of Europe consultant involved in this work.

50. 16 May-16 June 2014 these recommendations have been publicly discussed on 12.02.2015 and approved by order of the Ministry of Justice of Ukraine No. 178/5 "On Approval of methodical recommendations for improving the investigation of allegations of ill-treatment in penitentiary establishments and pre-trial establishments belonging to the jurisdiction of the State Penitentiary Service of Ukraine".

51. Further work on achievements of institutional and legal instruments on their implementation will be continued within the three-year project "Further support of penitentiary reform in Ukraine" in the coordination of this process by the department on cooperation in the field of criminal law of the Directorate General of Human Rights and the Rule of Law of CE "Criminal Law Cooperation Unit Action against Crime Department Directorate General of Human Rights and Rule of Law Council of Europe"). Practical development of appropriate organizational and legal instrument will be made on the basis of Stryzhavska penal colony (No. 81) in Vinnytsya region (25 June 2015 this decision adopted by the Head of SPtS of Ukraine).

52. In continuation of the abovementioned topic under the auspices of the Council of Europe continued dialogue on implementation in national legislation and practical application of the new institute of "preventive and compensative" means of protection against improper detention conditions in penitentiary establishments. 15 December 2014 and 17 June 2015 held working meetings with Council of Europe experts to discuss the Council of Europe standards in this area and the experience of Italy and France. 12 October 2015 by the Order of the Minister of Justice of Ukraine No. 283/7 created an interagency working group under the auspices of the Government Commissioner for the European Court of Human Rights for working out real proposals on the implementation of these recommendations.[2]

53. The above is due to the fact that the additional indicator for redistribution accents of activities of the SPtS of Ukraine (at that more attention must be paid) is a practice of the European Court of Human Rights, which is consonant with the shortcomings of the CPT. The analysis of the past 10 years (at the beginning of 2014) suggests that the most systemic disorders on the object of appeal are (totally 43 solutions): improper confinement conditions (29 complainants), inadequate medical care (17 complainants) and ineffective investigation of complaints of ill-treatment (7 complainants).

54. The question of improving the mechanism for investigating complaints of ill-treatment under the control of the Government Commissioner for the European Court of Human Rights.

55. Direction of the SPtS of Ukraine is a supporter of the implementation of international standards in the human dimension, taking into account the recently ratified Association Agreement between Ukraine and the EU.

56. Among the international legal instruments that contain universally recognized norms of human rights and freedoms in the penitentiary sphere, are the ones that set international

[2] Informative: During the discussion discussed the practical side of implementing provided by Ukrainian legislation for preventive and compensatory remedies to challenge the conditions of detention in prisons. In particular, they discussed a number of issues regarding the remedies that could be introduced in Ukraine. The experts noted that such remedies must provide persons in detention, the possibility to complain about the conditions of detention and to receive compensation at the national level, which thus warns submission of relevant applications to the Strasbourg Court.

standards for treatment of prisoners and detainees. For Service – there are standard that defines by the international instruments of the United Nations and the Council of Europe.

57. The Universal Declaration of Human Rights of the United Nations (1948), the European Convention on Human Rights and Fundamental Freedoms (1950), the International Covenant on Civil and Political Rights (1966), the UN Standard Minimum Rules for the Treatment of Prisoners (1955) European Prison Rules (last revised 2006), the UN and the Council of Europe Conventions concerning the combating of Torture (ratified by Ukraine respectively in 1987 and 1997), UN Body of Principles for the protection of all persons under any form of detention or imprisonment (1988 year), UN Code of conduct of law enforcement officials (1979), the relevant resolutions of the Council of Europe and other international documents are always in sight of the SPtS of Ukraine.

58. In order to ensure the rights and freedoms of persons held in penitentiary establishments and pre-trial establishments, implemented the recommendations and observations of the CPT, which in Ukraine is actually transferred to the rank of binding. During the visits from 1998 to 2014 visited 41 penitentiary establishments and pre-trial establishments in 11 regions of AR Crimea, Vinnytsya, Dnipropetrovsk, Donetsk, Zhytomyr, Kyiv, Luhansk, Kharkiv, Odesa and Poltava regions.

59. The process of working organization on cooperation with the CPT is a transparent and accompanied by relevant information on the website of the SPtS of Ukraine, which also provides obligatory links to the website of the Ministry of Justice of Ukraine on this issue and is in unison with the policy of the Minister of Justice of Ukraine Pavlo Petrenko in this work (7 and 16 May 2014 placed 6 materials).

60. In all cases, the subjects of inspection institutions without interference of direction of penitentiary establishment of Ukraine independently determined the list of institutions to visit, provided that the mentioned Convention and the Protocols thereto, – so in a certain way the implementation of international law in the field of combating ill-treatment in Ukraine provides.

61. Also, the institution of public control over penitentiary establishments enshrined in Article 25 of the Criminal Executive Code of Ukraine and the Regulation on the supervisory commissions of local state administrations, approved by the resolution of the Cabinet of Ministers of Ukraine from 1 April 2004 No. 429 (as amended by Resolution of the Cabinet of Ministers of Ukraine from 10 November 2010 No. 1042). Provided implementation of measures envisaged by resolution of the Cabinet of Ministers of Ukraine dated on 3 November 2010 No. 996 "On ensuring public participation in the formulation and implementation of state policy" (with amendments).

62. From 1 April 2015 under the SPtS of Ukraine operates the newly created Public Council, whose competence also includes issues of public control over the activities of bodies and institutions that belong to the competence of the SPtS of Ukraine. The procedure for the formation of the composition of the Public Council under SPtS of Ukraine is outside the competence of the SPtS of Ukraine, but Service is an active participant in the promotion of its work.

63. The SPtS of Ukraine also contributes to improving the functioning of national and interagency mechanisms against torture to strengthen guarantees for the protection of human rights.

64. 19 June 2014 created a section on this subject on the website of the SPtS of Ukraine: http://www.kvs.gov.ua/peniten/control/main/uk/publish/category/643789 . http://www.kvs.gov.ua/peniten/control/main/uk/publish/category/643790.

65. On 2 October 2012 statutable expanded the powers of Ukrainian Parliament Commissioner for Human Rights. Accordingly, it provided unimpeded access of staff of the

Department on the implementation of the national preventive mechanism, acting within the Secretariat of the Ombudsman, to the institutions that belong to the management of the SPtS of Ukraine.

66. To ensure interoperability with the Ombudsman on the above issues imposed an order of the SPtS of Ukraine from 30.11.2012 No. 810, according to which the management of local authorities of the SPtS of Ukraine is obliged to provide necessary assistance to employees of the Department on the implementation of the national preventive mechanism in their monitoring visits to penitentiary establishments and pre-trial establishments.

67. On 27 November 2013 approved the Plan of additional measures of the SPtS of Ukraine to strengthen guarantees to protect the rights and freedoms of persons staying in institutions belonging to the management of the SPtS of Ukraine, the prevention of torture and inhuman or degrading treatment or punishment. This document incorporated a list of measures aimed at strengthening safeguards to protect the rights and freedoms of citizens, who held in institutions belonging to the management of the SPtS of Ukraine, in order to carry out this work on a regular basis.

68. On 18 April 2014 by the order of the Ministry of Justice of Ukraine No. 670/5 established Commission on State policy in the sphere of execution of sentences,[3] in terms of which there are five mobile units to carry out inspections of penitentiary establishments activities (already inspected the activities of nine institutions – Kyiv, Odessa, Kharkiv pre-trial establishments, Transcarpathian penitentiary establishment (No. 9), Boryspil No. 119) Stryzhavska (No. 81), Polytska (No. 76), Oleksiivska (No. 25) penal colonies in Kyiv, Vinnytsya, Rivne and Kharkiv regions and Melitopol juvenile correctional colony in Zaporizhya region).

69. To this work, actively involved representatives of civil society and the public council set up under the SPtS of Ukraine, even those who are the opposition in relation to the activities of bodies and institutions that belong to the management of the SPtS of Ukraine. On 4 September 2014 during the second session of the Commission on State policy in the sphere of execution of sentences decided that the mobile units to carry out inspections of penitentiary establishments would lead by members of the civil society or the Ministry of Justice of Ukraine. In this regard, on 13 May 2015 during a regular meeting of the Public Council at SPtS of Ukraine identified five candidates who can lead the mobile groups of the Commission on State policy in the sphere of execution of sentences for inspection of penitentiary establishments.

70. On 16 May 2014 by the decision of the board of the SPtS of Ukraine introduced the practice of approval of candidates for the posts of management staff of the bodies and institutions belonging to the management of the SPtS of Ukraine, and consideration of materials on their appointment or elevation in office during the work of staff commissions taking into account the comments made in the reports of the CPT.

71. On 19 December 2012 by a collegiate organ of the SPtS of Ukraine adopted a Code of ethics and official conduct of staff of the SPtS of Ukraine, which has incorporated into its content provisions of the European Code of Ethics for staff of penitentiary establishments, approved by the Council of Europe Committee of Ministers on 12 July 2012 (the mentioned document brought to the attention of all staff of bodies and institutions belonging to the management of the SPtS of Ukraine).

[3] Personal composition of the Commission updated on 12.08.2015, order of the Ministry of Justice No. 219/7.

72. Thus, workers of the SPtS of Ukraine as a carrier of powers must take into account the provisions of national legislation, beginning from the Basic Law – the Constitution of Ukraine, and ending with specialized acts – the Criminal Executive Code of Ukraine (2003), the Law of Ukraine "On pre-trial detention" (1993) and others, that are built taking into account the generally recognized standards to protect the rights and freedoms referred to.

73. The SPtS of Ukraine has the necessary powers and take all necessary measures permitted by the laws of Ukraine to ensure the realization of human rights and freedoms of the person taken into custody, and prisoners.

74. A comprehensive, system, competent and constructive work of all participants of the international level, public and private sectors agency sees the key to bringing order of serving and execution of sentences and detention, as required by the international community on the balanced requirements.

As to para. 10A of the Concluding Remarks

75. SSU has informed that the investigation of the criminal proceedings on the facts of mass murder of people and other criminal offenses committed during the protests in the city Kyiv in December 2013-February 2014, carried out by the Main Investigation Department of the Prosecutor General of Ukraine.

76. As part of the disclosure of crimes against members of the Revolution of Dignity, in the SSU structure created a permanent operational group that included the most experienced operational staff of the SSU. Conducted joint work with the authorized representatives of the General Prosecutor's Office and the Interior Ministry of Ukraine.

77. SSU on the implementation of instructions and requests of investigators of the General Prosecutor's Office conducts investigative (detective) and proceedings actions aimed at establishing the circumstances of the mentioned crimes and bring to justice all responsible persons. Materials of execution of orders and requests sent to the General Prosecutor's Office.

78. At the initiative of the SSU in December 2014 created a public council that includes relatives of the fallen heroes of Heaven Hundreds, lawyers of their families. As a result of the joint work on the search for evidence and exposure of persons involved in the shootings, individuals already announced is suspected of committing a crime. To relatives of the victims provided moral and psychological help.

79. In SSU opened non-stop Call-center for the treatment of citizens who have information on the commission of unlawful actions against the participants of the Revolution of Dignity.

80. According to available information, the circumstances of mass riots and death in city Odessa 02.05.2014 investigated by investigators of the Main Investigation Department of the MIA of Ukraine in the framework of criminal proceedings from 02.05.2014 No. 12014160500003700. Currently, the case is considering by Malynovsky District Court of city Odessa.

81. The tragic events that occurred in the city Mariupol, on 9 May 2014, investigated in criminal proceedings from 09.05.2014 No. 222001050000000047 on the grounds for committing of an act of terrorism and premeditated murder. We haven't information on the status or results of the investigation.

82. General Prosecutor's Office of Ukraine informs that the GPU is being investigated criminal proceedings on the facts of unlawful use of physical violence by law enforcement

agencies and mass shootings of protesters during the period from the end of November 2013 to 20 February 2014 in city Kyiv.

83. It is reported suspected some officials, namely former President of Ukraine Yanukovych V.F., the former Prime Minister of Ukraine Azarov M.Y., Ukraine's Prosecutor General Pshonka V.P., Minister of Internal Affairs of Ukraine Zakharchenko V.U., Deputy Minister of Internal Affairs Ratushnyak V.V., Commander of the Interior Troops of Ukraine Shuljak S.M., the Head of the Security Service of Ukraine Yakimenko O.G., First Deputy Head of the Security Service of Ukraine Totsky V.V., the Head of the Presidential Administration of Ukraine Klyuyev A.V. and others who at the time occupied senior positions in government and law enforcement bodies of Ukraine. Said persons are on the wanted list.

84. In addition, based on evidence-collected suspicion reported:

- To 25 former employees of special police regiment "Berkut" implicated in the shooting of protesters on 20.02.2014 at the Instytutska str. in city Kyiv;
- In relation to two employees of special police regiment "Berkut" indictments brought to a court, 3 of them, including the current deputy commander of the regiment of special operations of the MIA of Ukraine, detained and arrested, others declared wanted. Totally, it is installed all police officers involved in the shootings that day of 39 protesters;
- Deputy head of the Main Department of the MIA of Ukraine in city Kyiv – to chief officer of public security Fedchuk P.M. and Acting Head of the Main Department of the MIA in city Kyiv Mazan V.B. – abuse of powers in the organization of assault on Maidan Nezalezhnosti on the night of 19.02.2014, as a result 15 people died. Both declared wanted;
- Company commanders No. 1 and 2 of special police regiment "Berkut" Dobrovolskyi M.V. and Logvynenko A.D. – abuse of powers and official competence 22-23.01.2014 concerning participants of the movement "Automaidan", their unlawful detention, designedly inveracious testimony on facts and the reasons for the detention of these citizens, the forgery of official documents;
- Former Head of Security Service of Ukraine Yakymenko O.G., his first deputy and chief of division of SSU in city Kyiv and Kyiv region – abuse of powers and official competence in the organization and conduct on 18-19.02.2014 of counterterrorist operation, including forceful phase of the operation in the building of the Federation of Trade Unions of Ukraine. To chief of division of SSU in city Kyiv and Kyiv region imposed a pre-trial restraint – detention in custody. Currently, pre-trial investigation is completed, the materials of the proceedings provided for reference. Yakimenko O.G. and his deputy declared put in the wanted list;
- Former commanders of special police regiment "Berkut" battalions of the Main Department of the MIA of Ukraine in Kharkiv and Lviv regions – abuse of official competence while the use of excessive physical force and special means against participants of peaceful protesters and journalists on 01.12.2013 and 18.02.2014 in city Kyiv;
- To two department officers of the mobilization work division of the Main Department of the MIA of Ukraine in city Kyiv, to one officer of warehouse material means emergency reserve of the Main Department of the MIA of Ukraine in city Kyiv, who illegally shipped weapons of emergency supplies, including and to civilians.

85. During the period from February 2015 to present time to the court directed indictments concerning:

- Former Head of the Kyiv City State Administration Popov O.P. under art. 340, P.5 art. 27 and p. 3 art. 365 of the CC of Ukraine;
- 4 commanders of special police regiment "Berkut" (deputies of regiment commander and commanders of operational company) under p. 2 art. 28 and art. 340, p. 2 art. 28 and p. 3 art. 365 of the CC of Ukraine, who on the purpose of obstructing on 30.11.2013 the gathering, meeting at the Maidan Nezalezhnosti in city Kyiv exceeded official competence;
- Head of division of civil public order protection of Pechersk District Division of the Main Department of the MIA of Ukraine in city Kyiv under p. 2 art. 367 of the CC of Ukraine, who did not stop the criminal acts of his subordinates in relation to activist of Euromaidan M. Gavrylyuk;
- Commanders of special police regiment "Berkut" battalion of the Main Department of the MIA of Ukraine in Kharkiv region under p. 2 art. 365 of the CC of Ukraine – abuse of powers and official competence in relation to activist of Euromaidan M. Gavrylyuk;
- Battalion employee of the special police regiment "Berkut" of the Main Department of the MIA of Ukraine in Kharkiv region (policemen-driver) under p. 2 art. 365 of the CC of Ukraine — abuse of powers and official competence, causing 18.02.2014 protesters sustained injuries at the crossroads of the Kripostnyi pass and Grushevskogo street;
- Head of the Kharkiv City Council Kernes G.A. and his guards suspected of stealing Euromaidan participants, their torture and death threats.

86. Continues trial criminal proceedings concerning policemen's of assault troop of the special police regiment "Berkut" Zinchenko S.P. and Ambroskin P.M. committing 20.02.2014 at Instytutska Street in city Kyiv murder with firearms of 39 protesters.

87. In 6 proceedings already adopted court decisions.

88. Continues pre-trial investigation in criminal proceedings on the facts of murder, attempted murder, causing bodily harm to servicemen and law-enforcement bodies of Ukraine.

89. Totally, for the period from November 2013 to February 2014 during the confrontation with the protesters killed 13 law enforcement officers, 210 caused by gunshot wounds, more than 900 were injured by varying degrees of severity. Individuals involved to the commission of these crimes have not established.

90. Main Investigative Department of the MIA of Ukraine completed pre-trial investigation in criminal proceedings under p. 2 art. 294, p. 1 art. 263 of the CC of Ukraine on facts of mass rioting 02.05.2014 at the Gretska str. and on Kulykove pole in city Odessa.

91. As a result of mentioned criminal acts were killed 48 people and received injuries of varying severity over 200 people. 24.11.2014 indictment concerning 21 people sent to court.

92. In general, on the facts of the riots that occurred in city Odessa, to the court directed 6 criminal proceedings against 26 persons on grounds of crimes previewed by p. 2 art. 294, p. 1 art. 263, paragraphs 1, 6, 9 p. 2 art.115 of the CC of Ukraine.

93. By the Main Investigative Department of the General Prosecutor's Office of Ukraine investigated the criminal proceedings on the fact of failure of officials of the Main

Department of the MIA of Ukraine in Odessa region comprehensive and appropriate measures to ensure the protection of public order on 02.05.2014 in city Odessa during the march "For a United Ukraine".

94. It informed on suspicion of committing a crime to former head of the Main Department of the MIA of Ukraine in Odessa region Lutsyik P.S. and his deputy Fuchedzhy D.V. under p. 2 art. 367 of the CC of Ukraine.

95. In the near future, it planed the completion of pre-trial investigation against Lutsyik P.S. with the direction of the indictment to the court. Criminal proceedings against Fuchedzhy D.V. halted in connection with the search of the suspect.

96. On the disappearance of citizens and the use of violence in the temporarily occupied territory of Ukraine, these facts are analyzed and systematized. During 2014 in the Donetsk, Luhansk, Dnipropetrovsk, Zaporizhia and Kharkiv regions by law enforcement agencies to the Unified Register of Pre-Trial Investigations included information on 4,102 criminal proceedings on the facts of murders (assassination) associated with separatism. In mentioned criminal proceedings investigated the death of 1,912 people and injured of 4,746 people.

97. This year the investigators of law enforcement agencies registered 2,350 criminal proceedings of mentioned category on facts of the death of 682 people and injured 2,822.

98. Also last year in the Unified Register of Pre-Trial Investigations registered 1,966 criminal proceedings on the facts of 3,067 seizure of hostages, of who released more than a thousand people. The fate of 1,874 people is unknown.

99. This year to the Unified Register of Pre-Trial Investigations registered 448 criminal proceedings on the facts of 604 seizure of hostages.

100. Thus, by the law enforcement agencies of the state taken measures to implement the provisions of the Convention against torture and other cruel, inhuman or Degrading Treatment or Punishment.

As to para. 11A of the Concluding Remarks

101. The Main Investigative Department of the Security Service of Ukraine has carried out collection of evidence pertaining to violence towards civilians, committed by militants of the terrorist organisations "DNR"/"LNR", as well as by members of the Russian Federation Armed Forces. The collection also included evidence relevant to capturing Ukrainian soldiers (interviewed more than 400 victims). The taking of evidence was conducted within the framework of the criminal proceedings No. 22014000000000475, which were initiated on the base on p. 1 Art. 258-3 ("Creation of a terrorist group or terrorist organisation"), p. 1 Art. 115 ("Murder"), p. 3 Art. 258 ("Terrorist act"), and parts 1, 2 Art. 438 ("Violation of the Laws and Customs of War") of the Criminal Code of Ukraine. The received testimony demonstrated instances of moral and physical torture exercised upon human beings, exposing them to inhumane conditions devoid of food and water, deprivation of personal belongings etc.

102. On 30 September 2015 certain materials from the above proceedings were separated under No. 22015000000000234. These materials were subsequently transferred for investigative jurisdiction to the Investigative bureau of the Division on investigating crimes against national security of Ukraine, peace, human security and international legal order of the Main Military Prosecutor of the General Prosecutor Office of Ukraine.

103. 4,917 victims committed by militants of mentioned terrorist organisations are overall accounted in the criminal proceedings, conducted by the pre-trial investigation

bodies of the Security Service of Ukraine. Among these 4,917 victims, 2,725 were wounded, 2,192 are deceased.

104. The collection of evidence is being carried out on continuous basis. The evidence taken proves on violent treatment of Ukrainian soldiers, as well as of civilians in the temporarily occupied territory. The collected materials also demonstrate instances of organising local population for compulsory works, plunder of national valuables located within the temporarily occupied territory, and lastly the use of weapons of war, which are prohibited by the international law. Additional subject to the collection is commission of the abovementioned acts, connected with murder.